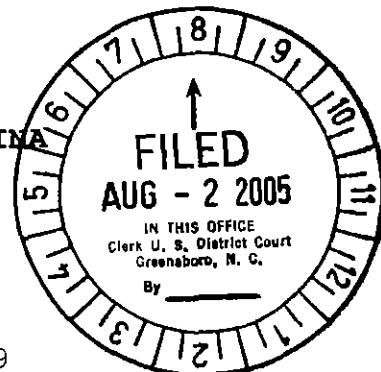


IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA



JOHNNIE ROBERT TAYLOR,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

1:05CV00449

1:01CR37-2

J U D G M E N T

On May 23, 2005, the United States Magistrate Judge's Recommendation was filed and notice was served on the parties pursuant to 28 U.S.C. § 636. No objections were filed within the time limits prescribed by Section 636.

Therefore, the Court need not make a de novo review and the Magistrate Judge's Recommendation is hereby adopted.

IT IS THEREFORE ORDERED AND ADJUDGED that petitioner's "Rule 60(b)" motion (docket no. 279) having been construed as an attempt by petitioner to file a second or successive Section 2255 action is dismissed due to petitioner's failure to obtain certification from the Fourth Circuit as required by 28 U.S.C. §§ 2244 and 2255 and Fourth Circuit Local Rule 22(d), and that finding no substantial issue for appeal concerning the denial of a constitutional right affecting the conviction, nor a debatable procedural ruling, a certificate of appealability is denied.

August 2nd, 2005


United States District Judge